



A FOCUS ON THE FAMILY AFFILIATE

Analysis – Colorado law already provides what SB 13-011 proponents claim they need.

SB 13-011 proponents claim same-sex couples need (with bill section reference):	Colorado law already provides:
Ability to be involved in medical decisions affecting partners. Section 1, pages,10-11 adding new 14-15-107(5)(m),(o)(I,II,III,IV)	<p>Colorado Designated Beneficiary Agreement Act (passed 2009 – HB09-1260) – CRS 15-22-105(3)</p> <p>(f): "The right to act as a proxy decision-maker or surrogate decision-maker to make medical treatment decisions for the other designated beneficiary..."</p> <p>(g) "The right to receive notice of the withholding or withdrawal of life-sustaining procedures for the other designated beneficiary...and the right to challenge the validity of a declaration as to medical or surgical treatment of the other designated beneficiary.."</p>
The right to adopt children jointly and parental rights where a child is involved. Section 1, pages 9,12 adding new 14-15-107(5)(g),(6); Section 23, page 38-39 amending 19-5-202	<p>Second parent adoption was passed in Colorado in 2007 via HB 07-1330.</p> <p>See Section 19-5-203 C.R.S. Adoption results in full parental rights.</p>
The ability to invoke family court to decide issues of child support and custody, Section 1, page 12, adding new 14-15-107(6)	<p>Already available. Section 19-6-101 C.R.S. already allows for the initiation of court proceedings to compel adoptive parents to financially support a child. Section 14-10-123(1)(a)(II) allows a parent to initiate a court proceeding to resolve the allocation of parental responsibilities. Section 14-10-124 sets forth the "best interest of the child" as the basis for parental responsibility orders. Section 14-10-115 allows for a parent to file a petition for child support. Child support and custody are included in Colorado Supreme Court form titled "Order for Allocation of Parental Responsibilities."</p>
The ability to decide what happens when a loved one dies. Section 1, page11 adding new 14-15-107(5)(p),(q)	<p>From the Colorado Designated Beneficiary Agreement Act:</p> <p>15-22-105(3)(h): "The right, with respect to</p>

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	<p>the other beneficiary, to act as an agent and to make, revoke, or object to anatomical gifts pursuant to the "revised Uniform Anatomical Gift Act", part 1 article 34 of title 12, CRS."</p> <p>15-22-105(3)(l): "The right to direct the disposition of the other designated beneficiary's last remains pursuant to article 19 of this Title."</p>
<p>The right to visit partners in hospitals. Section 1, pages 10-11 adding new 14-15-107(5)(m),(n)</p>	<p>Colorado Designated Beneficiary Agreement Act: 15-22-105(3)(e): "The right to visitation by the other designated beneficiary in a hospital..."</p>
<p>The right to inherit property after a death. Section 1, page 9 adding new 14-15-107(5)(a)</p>	<p>Colorado Designated Beneficiary Agreement Act: 15-22-105(3)(i): "The right to inherit real or personal property from the other designated beneficiary through intestate succession;..."</p>
<p>Survivors' benefits or workers' compensation claims. Section 1, pages 9-10 adding new 14-15-107(5)(e),(i) and (j)</p>	<p>Colorado Designated Beneficiary Agreement Act: 15-22-105(3)(j) "The right to have standing to receive benefits pursuant to the "Workers' Compensation Act of Colorado", articles 40 to 47 of title 8, CRS, made on behalf of the other designated beneficiary."</p>
<p>Right to acquire title to property as joint tenants with right of survivorship Section 1, page 9 adding new 14-15-107(5)(a)</p>	<p>Colorado Designated Beneficiary Agreement Act: 15-22-105(3)(a): The right to acquire, hold title to, own jointly, or transfer <i>inter vivos</i> or at death real or personal property as joint tenants with right of survivorship or as tenants in common</p>
<p>Right to designate partner as beneficiary or dependent under state retirement system, government pensions, life insurance and health policies. Section 1, page 10, adding new 14-15-107(5)(h),(i),(j)</p>	<p>Colorado Designated Beneficiary Agreement Act: 15-22-105(3)(c): For purposes of the following benefits, the right to be designated as a beneficiary and recognized as a dependent so long as notice is given in accordance with any applicable statute, rule, contract, policy, procedure, or other</p>

	<p>government document of the following benefits:</p> <p>(I)Public employees' retirement systems pursuant to articles 51 to 54.6 of Title 24, CRS;</p> <p>(II)Local government firefighter and police pensions;</p> <p>(III)Insurance policies for life insurance coverage; and</p> <p>(IV)Health insurance policies or health coverage if the employer of the designated beneficiary elects to provide coverage for designated beneficiaries as dependents.</p> <p>Also, SB09-88 was passed in 2009 that amended Colorado state employee benefit law to cover "domestic partners" under state group benefit plans. See 24-50-603(5)(c) CRS:</p> <p>(5) "Dependent" means:</p> <p>...</p> <p>(c) An employee's domestic partner...</p>
<p>Right to be appointed a conservator or personal representative for partner. Section 1, page 9, adding 14-15-107(5)(d); Section 17, pages 34-35 amending 15-12-203</p>	<p>Colorado Designated Beneficiary Agreement Act:</p> <p>15-22-105(3)(d) The right to petition for and have priority for appointment as a conservator, guardian, or personal representative for the other designated beneficiary;...</p>
<p>Standing to sue for wrongful death of partner. See Section 1, page 9 adding 14-15-107(5)(b)</p>	<p>Colorado Designated Beneficiary Agreement Act:</p> <p>15-22-105(3)(k) The right to have standing to sue for wrongful death on behalf of the other designated beneficiary;...</p>
<p>Right to dissolve same-sex relationships through divorce or dissolution proceedings, increasing state budget costs for increased court involvement, law enforcement (to enforce support and other judicial decrees) and other support personnel. See Section 1, page 17, adding 14-15-115; Section 11, page 30 adding 14-2-307.5; Section 14, page 32 adding 14-10-106.5</p>	<p>Designated beneficiary arrangements are simple to end:</p> <p>15-22-111(1): A designated beneficiary agreement that has been recorded with a county clerk and recorder may be unilaterally revoked by either party to the agreement by recording a revocation with the clerk and recorder...</p>

	<p>And easy to modify:</p> <p>15-22-105(6): Execution of a designated beneficiary agreement shall in no way impede the ability of individuals to make specific determinations as to any or all of the matters specified in this article by acting through superseding legal documents or other contracts or instruments</p> <p>No courts, no costs to taxpayers or the designated beneficiaries, neat and clean.</p>
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